# EXHIBIT 5

## VIA EXPRESS MAIL NEXT DAY DELIVERY

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January 11, 2010

Clerk of the United States Bankruptcy Court for the Southern District of New York One Bowling Green New York, NY 10004

Irving H. Picard, Trustee c/o Baker Hosterler LLP 45 Rockefeller Plaza New York, NY 10111

Re:

BENARD L. MADOFF INVESTMENT SECURITIES LLC In Liquidation Bankruptcy Case No. 08-1789 (BRL)
RESPONSE TO NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

This is a response to the NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM (the "Notice") dated December 17, 2009 for account No. 1S4040 claim number 4543.

I am addressing my opposition to the position of the Trustee as provided in the Notice.

#### I. Claim for Securities

I oppose the position taken by the Trustee with respect to the return of securities and the calculation of the value of my account. As the attached statement shows, the account contained securities. I relied upon these statements as being accurate and truthful. I was in no position to know otherwise. The Trustee's position is contrary to SIPA, contradicts 39 years of PIPC's prior positions, and is unsupported by any legal precedent. The Senate and House reports anticipated the current situation where I should be able to rely on my broker statement to be accurate.

"Under present law, because securities belonging to customers may have been lost, improperly hypothecated, misappropriated, never purchased or even stolen, it is not always possible to provide to customers that which they expect to receive, that is, securities which they maintained in their brokerage account. ... By seeking to make customer accounts whole and returning them to customers in the form they existed on the filing date, the amendments ... would satisfy the customers' legitimate expectations..." S. Rep. No. 95-763, at 2 (1978).

"A customer generally expects to receive what he believes is in his account at the time the stockbroker ceases business. But because securities may have been lost, improperly hypothecated, misappropriated,

never purchased, or even stolen, this is not always possible. Accordingly, [when this is not possible, customers] will receive cash based on the market value as of the filing date." H.R. Rep. No. 95-746, at 21.

Thus, based on these obligations and the fact that my account listed securities, I believe I should be returned those securities to me to the value of \$500,000.

## II. Calculation of Money In/Money Out

Even if I were to agree to the Trustees position on securities, I oppose the calculation of the money in/money out position of the Trustee. I recreated the table below with the final column indicating what I received as from the account. You will note that the entries for dates 2/9/2006, 5/5/2006, 6/20/2006, and 12/6/2007 totaling \$354,708.76 do not represent any funds received by me. As I never received these funds, they should not be deducted from any calculation of recovery.

Thus, based on the fact that I did not receive these funds and therefore removal of these entries, I should receive \$258,573.09.

DATE	Transaction Description	Amount	Adjusted Amount	Oppose this Entry	Actual Payments
2/3/2000	Trans From 50 Acct	\$1,607,388.26	\$408,897.38		\$408,897.38
Total Deposits		\$1,607,388.26	\$408,897.38		\$408,897.38
DATE	Transaction Description	Amount	Adjusted Amount	Oppose this Entry	Actual
2/9/2006	Trans to 1EM21330	(\$105,000.00)	(\$105,000.00)	Yes	\$0.00
5/5/2006	Trans to 1EM21330	(\$65,000.00)	(\$65,000.00)	Yes	\$0.00
6/20/2006	Trans to 1EM21330	(\$50,000.00)	(\$50,000.00)	Yes	\$0.00
12/6/2007	Trans to 1EM21330	(\$134,708.76)	(\$134,708.76)	Yes	\$0.00
4/17/2008	Check	(\$75,000.00)	(\$75,000.00)	No	(\$75,000.00)
6/18/2008	Check	(\$75,324.29)	(\$75,324.29)	No	(\$75,324.29)
Total Withdrawals		(\$505,033.05)	(\$505,033.05)		(\$150,324.29)
Total deposits less		64 402 255 24	(\$06.125.67)		\$258,573.09
withdrawals		\$1,102,355.21	(\$96,135.67)		7233,373.03

### III. Extension of Deadline for Review

Finally, I oppose the deadline imposed by the Trustee for responding to the Notice. I have at least one additional account that is involved in the calculation of the amounts that are being deducted. As noted in the table, there appears to be transfers to another Madoff Investment Securities account. If those transfers are ultimately deducted here, then they should be credited in the other account as money in. As I have not received the determination on any other account, my ability to fully respond here is limited and impaired. I should be allowed to review the Trustees determination on all my accounts at the same time.

At a minimum, for fairness I request that the Trustee extend the period for my response until such time as I have receive a Notice of Trustee's Determination of Claim to all other accounts.

Thank you for attention on this matter.

Sincerely Submitted,

Renee Robinow Soskin

Renee Robinow Soskin (IRA)

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